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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 JAMES H. MAXWELL,

10 Plaintiff,

Case No. C14-126 JCC-BAT

11 v.

12 REAL CHANGE,

Defendant.

13 **REPORT AND**
14 **RECOMMENDATION**

15 James Maxwell filed a pro se 28 U.S.C. §1983 action challenging an “upper management
16 sanction disciplining action,” that Real Change, his alleged private employer, took against him.
17 Dkt. 8. Mr. Maxwell was advised that he cannot sue Real Change because a §1983 lawsuit can
18 only be brought against a state actor, *i.e.*, a government body, and was given leave to show cause
19 no later than March 5, 2014 why the matter should not be dismissed. Dkt. 7.

20 As Mr. Maxwell has failed to respond, the Court recommends the matter be dismissed
21 with prejudice. This Report and Recommendation is not an appealable order. Therefore a notice
22 of appeal seeking review in the Court of Appeals for the Ninth Circuit should not be filed until
23 the assigned District Judge enters a judgment in the case. If Mr. Maxwell wishes to file
objections, he must do so by **December 1, 2014**. The Clerk should note the matter as ready on
December 5, 2014 for the Court’s consideration. Objections shall not exceed 8 pages. The

1 failure to timely object may affect the right to appeal.

2 DATED this 14th day of November, 2014.

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5 BRIAN A. TSUCHIDA
6 United States Magistrate Judge

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